

### **REMARKS/ARGUMENTS**

This Amendment is in response to the Office Action mailed February 17, 2004. In the Office Action, claims 39-45 and 47-59 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,008,597, issued to Pardo, et al. (Pardo) and claim 46 was rejected under 35 U.S.C. §103(a) as being unpatentable over Pardo. Applicant respectfully traverses the rejections.

In order to facilitate prosecution of the subject application, Applicant respectfully requests the Examiner to identify where each and every limitation set forth in the independent claims as well as the dependent claims are allegedly taught or suggested by the cited reference(s). Such identification was not been provided in the current Office Action. The Examiner is thanked in advance for consideration of this request in the event that any future Office Actions are required.

Herein, claims 40 and 48 have been placed into independent format to include limitations from claims 39 and 47, respectively. Claims 39 and 47 have been cancelled without prejudice. Claim 55 has been amended to include limitations of dependent claim 56, which has also been cancelled without prejudice. Claims 41-42, 44 and 49-54 have been amended to alter their dependency.

#### ***Rejection Under 35 U.S.C. § 102***

Claims 39-45 and 47-59 were rejected under 35 U.S.C. §102(e) as being anticipated by Pardo (U.S. Patent No. 6,008,597). Applicant respectfully traverses the rejection because a prima facie case of obviousness has not been established.

As the Examiner is aware, in order to anticipate a claim under §102(e), Pardo must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Herein, Pardo does not disclose, either explicitly or implicitly, each and every limitation set forth in independent claims 40, 48 and 55.

For instance, Pardo does not disclose a controller (or means for monitoring and analyzing) that features software adapted for *monitoring and analyzing power profiles of the motor, recording the power profiles, and comparing the power profiles with power profiles pre-stored in a database*. Emphasis added. In contrast, as shown in FIG. 10, Pardo merely describes opto-couplers as an interface between 24 Volt drivers and 5 Volt logic. These opto-couplers do not describe or even suggest the controller as claimed.

In light of the foregoing, Applicant respectfully requests the Examiner to withdraw the outstanding §102(e) rejection. In the event that the rejection is maintained, which Applicant respectfully submits

***Rejection Under 35 U.S.C. § 103***

Claim 46 was rejected under 35 U.S.C. §103(a) as being unpatentable over Pardo. Applicant respectfully traverses the rejection. However, further arguments concerning this claim are moot because independent claim 40, upon which claim 46 depends, is in condition for allowance. Allowance of claim 46 based on the limitations set forth in claim 46 and its dependency on allowable claim 40 is respectfully requested.

***Conclusion***

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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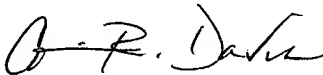
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